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JC03 Rec'd PCT/PTO

DEC 10 2001

Patent

Attorney's Docket No. 033376-001

#8
B. Wehl
4-2-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

William Suttle PETERS et al.

Application No.: 09/869,923

Filed: July 9, 2001

For: HEART ASSIST DEVICES, SYSTEMS
AND METHODS

Group Art Unit: Unassigned

Examiner: Unassigned

3734

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TECHNOLOGY CENTER R3700

TRANSMITTAL OF VERIFIED STATEMENT
CLAIMING SMALL ENTITY STATUS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a Verified Statement (Declaration) Claiming Small Entity Status,
duly executed by the Joint C.E.O. of the above-identified patent application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

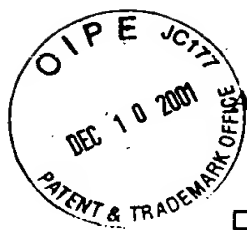
Date: December 10, 2001

By:

Elaine P. Spector

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Registration No. 40,116

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Alexandria, Virginia 22313-1404
(703) 836-6620



Attorney's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☐ In re application of:

Serial No.: 09/869923

Filed: 9 July 2001

For:*

Group No.

Examiner:

☐ Patent No.: _____

Issued: _____

* NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

- ☐ the specification filed herewith
☒ application serial no. 09/869923, filed 9 July 2001
☐ PCT International Application No. _____, filed _____
☐ Patent no. _____, issued _____

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

(complete either (a), (b), (c) or (d) below):

(a) Independent Inventor

☐ a belownamed independent inventor and that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying fees under Section 41 (a) and (b) of Title 35, United States to the Patent and Trademark Office

(b) Non-inventor Supporting a Claim By Another

☐ making this verified statement to support a claim by

_____ for a small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code and I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Sunshine Heart Company Pty Ltd

ADDRESS OF CONCERN 28D Montague Street, Balmain, New South Wales 2041,
AUSTRALIA and

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9 (c-f) and 1.27(b-d)) [7-10] - page 1 of 4)

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that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of the Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION _____

ADDRESS OF ORGANIZATION _____

TYPE OF ORGANIZATION

☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c) (3))

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

(NAME OF STATE _____)

(CITATION OF STATUTE _____)

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c) (3)) IF LOCATED IN THE UNITED STATES OF AMERICA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

(NAME OF STATE _____)

(CITATION OF STATUTE _____)

and that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person ☒ concern ☐ organization
(item (a) or (b) above) (item (c) above) (item (d) above)

EXCEPT, that if rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a non-profit organization under 37 CFR 1.9(e)

- ☒ no such person, concern or organization
- ☐ person , concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the verified statement.

Name of Inventor

Date: _____

Signature of Inventor

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9 (c-f) and 1.27(b-d)) [7-10] -3 of 4)

Name of Inventor

Date: _____

Signature of Inventor

Name of Inventor

Date: _____

Signature of Inventor

(add lines for any additional inventors who must sign)

or

(f)

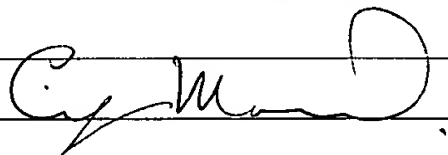
NOTE: The title of the person signing on behalf of a concern or non-profit organization should be specified.

NAME OF PERSON SIGNING PETER CRISPIN MARSH

TITLE OF PERSON JOINT C.E.O.
(if signing on behalf of a concern or non-profit organization)

ADDRESS OF PERSON SIGNING 28D Montague Street, Balmain, New South Wales 2041,
AUSTRALIA

SIGNATURE _____



DATE 26 November 2001

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9 (c-f) and
1.27(b-d)) [7-10] -4 of 4)